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**IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF KING**

**WASHINGTON LEAGUE FOR
INCREASED TRANSPARENCY
AND ETHICS, a Washington non-profit
corporation,**

Plaintiff,

**FOX NEWS, FOX NEWS GROUP,
FOX NEWS CORPORATION,
RUPERT MURDOCH, AT&T TV,
COMCAST**

Defendants.

No.

**COMPLAINT FOR
DECLARATORY RELIEF
AND VIOLATION OF THE
WASHINGTON STATE
CONSUMER PROTECTION
ACT (RCW 19.86)**

I. INTRODUCTION

1.1 Plaintiff, Washington League for Increased Transparency and Ethics (“WASHLITE”), a Washington non-profit corporation, by and through counsel Elizabeth Hallock, brings this citizen’s action against Fox News, Fox News Group, Fox News Corporation, Rupert Murdoch, AT&T TV, and Comcast (“Defendants”) for violations of the Consumer Protection Act, RCW 19.86 (“CPA”). The CPA declares unlawful and prohibits deceptive acts or practices in the conduct of any trade or commerce. RCW 19.86.020.

1.2 Fox News and the other named Defendants willfully and maliciously engaged in a

1 campaign of deception and omission regarding the danger of the international proliferation of the
2 novel Coronavirus, COVID-19 [hereinafter, “the virus”]. While acting in the broad stream of
3 commerce, Defendants knowingly disseminated false, erroneous, and incomplete information,
4 which was reasonably relied upon by the public and which had the effect of delaying and
5 interfering with the implementation of effective mitigation and countermeasures against the
6 virus. Defendants actions created an ongoing uncertain amongst some members of the public as
7 to the dangers of the virus and the rapidity with which the virus spreads.

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9 1.3 The actions of the Defendants have damaged the membership of WASHLITE, in their
10 business, property, and health. One member of WASHLITE has contracted the virus.

11 1.4 The actions of the Defendants establish a clear violation of the state CPA.
12 Defendants’ campaign of deception led viewers to take unnecessary risks and ignore the dangers
13 of the virus, especially dangers posed to the elderly, immunocompromised, and those with
14 underlying medical conditions. Defendants’ malicious misrepresentation and false information
15 deprived the public of information necessary to prevent and mitigate transmission of the virus
16 across Washington State. Defendants actions dissuaded the public, including elderly viewers,
17 from taking necessary precautions to protect themselves from contracting the virus. Defendants’
18 misrepresentations and omissions are a serious public health issue.

19 1.5 Defendants are thus liable for declaratory and injunctive relief and other appropriate
20 relief under the CPA, as detailed herein. Additionally, Plaintiffs seek a formal, clear and ringing
21 retraction of Defendants’ representations that the virus is a hoax.
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23 **II. THE PARTIES**

24 2.1 WASHLITE is a domestic non-profit corporation registered in the state of
25 Washington. The League’s Board is composed of David Koenig, Sherry Bockwinkel, Lori

1 Shavlik, and Arthur West, and the organization has members throughout the State of
2 Washington, including King County, including those with written contracts for the provision of
3 Fox News via cable television services.

4 2.2 Defendant Fox News is a corporation doing business and conducting commercial
5 operations in Seattle and the State of Washington with sufficient contacts with the State to
6 convey jurisdiction upon this court as a forum state under *International Shoe Co. v. Washington*,
7 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945).

8 2.3 Fox News is owned by the Fox News Group, which itself is owned by the Fox
9 Corporation.

10 2.4 The Fox News Group owns Fox News and is a necessary party to this case.

11 2.5 The Fox Corporation owns the Fox News Group and is a necessary party to this case.

12 2.6 AT&T TV and Comcast are cable news providers under contract with WASHLITE
13 members to provide Fox News programming. They are named only insofar as they may have
14 interests that would make them necessary parties, and no relief is sought from them.

15 2.7 Rupert Murdoch is a part owner of Fox and is the CEO of Fox News.

16 2.8 The King County Superior Court has jurisdiction over the parties and subject matter
17 of this claim.
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19 **III. JURISDICTION AND VENUE**

20 3.1 This Court has subject matter jurisdiction over the Defendants under RCW 19.86 as a
21 forum jurisdiction under the black letter precedent of *International Shoe Co.*, 326 U.S. 310
22 (1945).

23 3.2 Similarly, Plaintiff has members residing and/or conducting business in King County
24 and can bring this action in accordance with RCW 19.86 to promote and protect those interests.
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1 3.3 The acts which form the basis for the violations alleged below occurred in whole or in
2 part, in King County, Washington, and the Defendants conduct business in and through King
3 County, Washington.

4 3.4 This Court has jurisdiction over the parties and subject matter of this case.

5 IV. FACTS

6 4.1. Fox News is the dominant subscription cable news network in the United States. As of
7 September 2018, approximately 87,118,000 US households (90.8% of television subscribers)
8 received Fox News. In 2019, Fox News was the top-rated cable network averaging 2.5 million
9 viewers. Fox News is provided in 86 countries and overseas territories worldwide.

10 4.2 In February and March of 2020, at various times that will be shown, including the
11 March 9, 2020 broadcasts of Sean Hannity and Trish Reagan, Defendants acted in bad faith to
12 willfully and maliciously disseminate false information denying and minimizing the danger
13 posed by the spread of the novel Coronavirus, or COVID-19, which is now recognized as an
14 international pandemic.

15 4.3 This misinformation was disseminated to further Defendants' business plan and to sell
16 advertising by creating controversy through the dissemination of false information regardless of
17 the reasonably foreseeable adverse effects such misinformation would have upon the American
18 public and public health and safety. Such conduct constitutes unfair and deceptive trade practices
19 in the broad stream of intra- and international commerce.

20 4.4 As a result of this misinformation by this dominant subscription news network, a
21 continuing falsehood has been fostered that the virus is a "hoax", a "conspiracy," and that it is no
22 more dangerous than common influenza.

23 4.5 As a result of reasonable reliance upon the false information spread by the Defendants
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1 on the part of public officials, the public and members of WASHLITE appropriate and timely
2 actions to contain the spread of the pandemic were postponed, delayed, or ignored. The
3 continuing uncertainty caused by the Defendants undercuts effective implementation of
4 reasonable and necessary measures to contain the spread of the pandemic.

5 4.6 The campaign of deception spread by the Defendants, via written contracts and through
6 their pervasive and ostensibly reputable news service, presenting the coronavirus as a “Hoax,”
7 has embedded itself, like a virus, into the public consciousness. The Defendants’ campaign of
8 deception and depraved actions continue to create uncertainty and distrust surrounding the
9 conduct of public officials to contain and mitigate the spread of the virus in order to save
10 thousands, if not millions, of human lives. The Defendants’ actions and depraved conduct
11 continue to impede the effective implementation of necessary measures to control the explosive
12 and deadly spread of an international pandemic and forestall mass death.

13 4.7 WASHLITE includes among its members citizens in high risk groups for fatal
14 consequences from contracting the Coronavirus, those who have been diagnosed with the virus,
15 and those who have been adversely impacted in their business and property by the proximate and
16 direct effects of Defendant’s actions.

17 4.8 By creating a false belief in a statistically significant percent of the population that the
18 coronavirus is a “Hoax,” the Defendants have created an epidemiological hazard. A subset of the
19 population has and will continue to ignore or resist reasonable and necessary efforts to control
20 and mitigate the virus and prevent mass death. Elderly, immunocompromised, and viewers with
21 underlying health conditions are particularly at risk. Elderly, immunocompromised, and
22 members of the public with underlying health conditions who are non-viewers are also put at risk
23 by viewers who ignore the warnings of public officials and spread the disease asymptotically.
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1 4.9 Defendants have injured the members of WASHLITE in their business, property, and
2 persons, in that the delay and obstruction of efforts to control the spread of the pandemic, which
3 are the direct and proximate result of Defendant's conduct, has had and will continue to have
4 severe and potentially irredeemable impacts upon the Plaintiff's persons, properties, and
5 businesses.

6 4.10 All actions of the Defendants were taken willfully and wantonly on behalf of their
7 master, principals, and superiors, with full knowledge of the potential for irremediable and
8 irreversible harm to result from their actions.

9 4.11 Defendants Fox News, the Fox News Group, the Fox Corporation, Rupert Murdoch,
10 and other named Defendants are jointly and severally liable for the depraved actions described
11 herein under the doctrines of master and servant, principal and agent, and *Respondeat superior*.

12 4.12 Defendants and each of them were negligent and breached regular and elevated duties
13 of care and their express or implied duties under the written contracts held by members of
14 WASHLITE for the provision of Fox News, and created an uncertainty as to their rights under
15 said contracts.

16 4.13 While acting in the broad stream of commerce, Defendants knowingly disseminated
17 false, erroneous, and incomplete information, which was reasonably relied upon by the public
18 and which had the effect of delaying and interfering with the implementation of effective
19 mitigation and countermeasures against the virus. Defendants actions created an ongoing
20 uncertainty amongst some public officers and members of the public as to the dangers of the
21 virus and the rapidity with which the virus spreads.

22 4.14 The actions of the Defendants were taken on behalf of, by and for their masters,
23 principals, and superiors.
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1 4.15 The Supreme Court of Washington has set forth a broad scope of injunctive relief
2 under the CPA to protect the public interest:

3 If each consumer victim were limited to injunctive relief tailored to
4 his own individual interest... practices might well continue unchecked
5 while a multiplicity of suits developed... Indeed, in many private
6 consumer protection cases the damage has already been done to the
7 particular individual plaintiff at the time the law suit is filed, making
8 ineffectual an injunction limited solely to the protection of the
9 individual plaintiff...We hold that under RCW 19.86.090 an
individual may seek and obtain an injunction that would, besides
protecting his own interests, protect the public interest. *Hockley v.*
Hargitt, 82 Wn.2d, 337, 351, 510 P.2d 1123 (1973).

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10 **V. FIRST CAUSE OF ACTION**
Consumer Protection Act

11 5.1 Plaintiff realleges and incorporates by reference the allegations set forth in each of the
12 preceding paragraphs of this Complaint.

13 5.2 Defendants are “persons” within the meaning of the CPA. RCW 19.86.010(1).

14 5.3 Defendants conduct trade within the meaning of CPA. RCW 19.86.010(2).

15 5.4 Defendants engaged in unfair or deceptive acts or practices within the meaning of
16 RCW 19.86.020 by representing the novel Coronavirus as a hoax while misrepresenting the
17 dangers of the virus. These representations were deceptive because they caused consumers to fail
18 to take appropriate action to protect themselves from the virus, mitigate its spread, and
19 contributed to a public health crisis and preventable mass death.
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21 5.5 The CPA prohibits unfair or deceptive acts or practices in trade or commerce. RCW
22 19.86.020. Defendant’s misrepresentations have the capacity to mislead a substantial number of
23 consumers.

24 5.6 An act or practice may be unfair if it offends public policy, is immoral, unethical,
25 oppressive, unconscionable, or if it causes injury to consumers. Defendants’ acts as alleged in

1 this complaint offend public policy, are immoral, unethical, oppressive, unconscionable, and
2 resulted in preventable mass death.

3 5.7 Defendants' conduct affected and continues to affect the public interest.

4 5.8 Defendants' acts and practices alleged in this Complaint violate RCW 19.86.020, for
5 which relief is appropriate as prayed for below.

6 **VI. SECOND CAUSE OF ACTION**
7 **Uniform Declaratory Judgments Act**

8 6.1 Under the Washington State Uniform Declaratory Judgments Act, courts of record
9 within their respective jurisdictions enjoy broad general powers to declare rights, status and other
10 legal relations in any proceeding where declaratory relief is sought, in which a judgment or
11 decree will terminate the controversy or remove an uncertainty, whether or not further relief is or
12 could be claimed. (See RCW 19.86.010-030).

13 6.2 Defendants, and each of them, by their acts described herein, including dissemination
14 of false information that a viral infectious disease creating a global pandemic was a "Hoax,"
15 created an "actual controversy." Defendants dissemination of false and erroneous information
16 created uncertainty in the minds of viewers, the general public, and public officers as to the
17 dangers posed by the coronavirus and the appropriate actions to counteract it, and created a
18 controversy as to Defendants' written contractual obligations to provide "News."
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20 6.3 These uncertainties give rise to a cause of action under the Uniform Declaratory
21 Judgments Act for declaratory relief as prayed for below that will resolve this actual and existing
22 controversy between genuinely adverse parties. Such a declaration will conclusively terminate
23 the controversy giving rise to this proceeding and is in the public interest.
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VII. THIRD CAUSE OF ACTION
Tort of Outrage

7.1 By their acts and omissions, as described above, Defendants committed the Tort of Outrage by intentionally and recklessly acting in a heinous and outrageous manner far beyond the pale of decent and civilized conduct, which conduct caused reasonably foreseeable severe mental and emotional distress.

7.2 These acts and omissions damaged members of Plaintiff's organization for which the Defendants are liable for the relief requested below.

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VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff, WASHLITE, prays for relief pursuant to each cause of action set forth in this Complaint as follows:

A. That the Court adjudge and decree that the Defendants have engaged in the acts and practices complained of herein;

B. That the Court adjudge and decree that the acts and practices complained of herein constitute unfair and/or deceptive acts or practices in violation of the Consumer Protection Act, RCW 19.86;

C. That a Declaratory Ruling issue under the Seal of this Court declaring that the Defendants violated the Consumer Protection Act by falsely and deceptively disseminating "News" via cable news contracts that the novel Coronavirus, COVID-19 was a "Hoax," and that the virus was otherwise not a danger to public health and safety;

D. That the Court issue a temporary and permanent injunction, as authorized by RCW 19.86, prohibiting and restraining Defendants and their representatives, successors, assigns, officers, agents, servants, employees, and all other persons acting or claiming to act for, on

1 behalf of, or in active concert or participation with Defendants for continuing or engaging in the
2 unlawful conduct complained of herein, namely, falsely and deceptively disseminating “News”
3 that the novel Coronavirus is a “Hoax” that is not a danger to public health and safety, or
4 otherwise interfering with or undermining the legitimate control measures imposed within the
5 State of Washington for the limited time period under which the pandemic is brought under
6 control and until the pandemic is brought under control;

7 E. That a Declaratory Ruling issue under the Seal of this Court declaring that the
8 Defendants committed the Tort of Outrage by falsely and deceptively disseminating “News” via
9 cable news contracts that the novel Coronavirus was a “Hoax,” and that the virus was otherwise
10 not a danger to public health and safety;

11 F. That the Court make such orders pursuant to RCW 19.86 as it deems appropriate to
12 provide that Plaintiff recovers the cost of this action, including reasonable attorneys’ fees;

13 G. That the Court give Plaintiff leave to amend the Complaint to conform to the
14 evidence presented at trial; and

15 H. That the Court order such other or further relief and nominal damages as the Court may
16 deem just or proper.

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18 **DATED this 2nd day of April, 2020,**

19
20 **By Counsel,**

21 **/s/Elizabeth Hallock**

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